

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**Civil Writ Petition No. 16782 of 2012 (O&M)
Date of Decision: 08.05.2018**

Harmesh Singh

..... Petitioner

Versus

The State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. H.K. Brinda, Advocate for
for the petitioner.

Mr. Manoj Bajaj, Additional Advocate General, Punjab
for respondent Nos. 1 & 2/State.

None for private respondent Nos. 3 to 5.

JASWANT SINGH, J. (ORAL)

Petitioner (Harmesh Singh) was directly appointed as Junior Scale Stenographer on 08.10.1993 and by filing the present writ petition, he has sought a Mandamus commanding the Agriculture Department to consider and promote him to the next higher post of Senior Assistant from the promotion date his juniors, Smt. Ranju Rani, Smt. Sudesh Bala, and Smt. Parveen Kumari, Steno-Typists/respondent Nos. 3 to 5, respectively, vide orders dated 11.10.2010 & 22.12.2011 (**Annexures P-2 & P-3, respectively**).

Upon notice, the respondents have filed a reply, wherein it is stated that as per Rule 5 of the Punjab Civil Services (Promotion of Stenographers and Steno-Typists) Rules, 1961 (in short 'the Rules, 1961'),
all the Junior Scale Stenographers and Steno-Typists alongwith Clerks

will be eligible for promotion to the post of Assistant, after they have qualified the test prescribed for the post of Assistants. Sub-Rule (2) of Rule 5 of 'the Rules, 1961' provides that the inter se seniority of such Junior Scale Stenographers and Steno-Typists vis-a-vis Clerks shall be determined by the dates of their continuous appointment against the post of Junior Scale Stenographer or Steno-typist or Clerk, as the case may be. Sub-Rule (2) of Rule 1 provides that 'the Rules, 1961' shall apply to all the Stenographers and Steno-typists of all the departments of the State excepting those of the Punjab Civil Secretariat, the Punjab Legislative Council Secretariat and the Punjab High Court. It is further stated that private respondents Nos. 3 to 5, no doubt had been promoted/appointed as Junior Scale Stenographers on 19.06.1997, 05.03.1999 & 12.02.2009, respectively, after qualifying a test in Punjabi Stenography, however, they were initially appointed as Steno-typists, much prior in time to the petitioner i.e. w.e.f. 21.08.1989, 21.08.1989 & 18.06.1985, respectively, accordingly, as per the provisions of Rule 5 (2) of 'the Rules, 1961', therefore, they were to be considered senior to the petitioner for promotion to the post of Assistant.

Counsel for the petitioner, by referring to the seniority list dated 22.02.2010 (**Annexure P-1**) of Junior Scale Stenographer, has vehemently argued for promotion of the petitioner to the post of Senior Assistant.

On the other hand, learned State Counsel states that in the view of the provisions of Rule 5 (2) of 'the Rules, 1961', the respondents have been rightly promoted respondent Nos. 3 to 5 prior in time than the

petitioner. He, however, submits that the seniority list dated 22.02.2010 **(P-1)** is only in respect of the post of Junior Scale Stenographers, whereas for promotion to the post of Assistant, the cadres of Junior Scale Stenographers, Steno-typists and Clerks have been considered as a feeder cadre at par, therefore, the plea based on the seniority list dated 22.02.2010 **(P-1)** would not be entitled to the petitioner for claiming a mandamus for promotion, as the private respondent Nos. 3 to 5 stood appointed as Steno-typists much prior in time.

After scrutinizing the arguments of the counsel and the pleadings, this Court finds the present petition is devoid of any merit.

First of all, no basis has been laid down by the petitioner to show that the post of Junior Scale Stenographer is higher than the post of Steno-typist. No recruitment rule governing the post of Assistant or Senior Assistant has been mentioned or referred to. In such a situation, this Court has to rely upon the statutory provisions of sub-Rule (2) of Rule 5 of 'the Rules, 1961', which makes the placement of *inter se* seniority of the Junior Scale Stenographers and Steno-typists, i.e., the petitioner and the private respondents to be compiled for promotion to the post of Senior Assistant based on their continuous appointment against their respective post(s). In fact the compiled list as per this rule has been placed at **Annexure R-1**, wherein the petitioner has been placed at Sr. No. 136, which below the private respondents at Sr. Nos. 13, 85 and 86, being appointees as Steno-typists much prior in time. Moreover, there is no challenge to the sub-Rule (2) of Rule 5 of 'the Rules, 1961' or the *inter se* seniority **(R-1)**, compiled pursuant to the same, that apart, even the

promotion orders of the private respondents dated 11.10.2010 & 22.12.2011 (P-2 & P-3, respectively) have not been challenged.

In view of above, no case for any interference is made out in the present writ petition and the same is liable to be dismissed.

Dismissed.

May 08, 2018
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(JASWANT SINGH)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No